

**PUBLIC HEARING of the Town Council held Wednesday, June 22, 2005 at 7:00 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.**

**MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**MEMBERS ABSENT: None**

**Relative to proposed amendment to the Revised General Ordinances of the Town of Burrillville, Chapter 25, Section 43 entitled “Disabled Persons”.**

**NOTE: The above was duly advertised in the Woonsocket Call on Friday, June 17, 2005, as follows:**

**Notice is hereby given that a Public Hearing will be held in the Town Council Chamber, Town Building, 105 Harrisville Main St., Harrisville, RI on Wednesday June 22, 2005 at 7:00 P.M. at which time the Town Council of the Town of Burrillville will consider for adoption the following proposed changes to the Town Ordinances, viz:**

**The Town Council of the Town of Burrillville hereby ordains as follows:**

**Chapter 25, Section 43 entitled “Disabled Persons” of the Revised General Ordinances of the Town of Burrillville is hereby amended as follows:**

**Deleted subsection (b)(1) which reads as follows:**

**“Is determined by the social security administration to be totally disabled.”**

**And substitute the following therefore:**

**Section 25-43**

**(b)(1) Is determined by the social security administration to be totally disabled or for persons ineligible for social security, eligibility shall be determined based on the following:**

- a. The applicant seeking a disability exemption who is ineligible for a social security determination shall submit evidence to the tax assessor that he/she is unable to work either at the person’s previous occupation or cannot adjust to other work because of the person’s medical condition.**
- b. The tax assessor, with the approval of the town council, shall promulgate criteria and procedures for an applicant to follow in applying for a disability exemption.**
- c. A copy of the approved criteria and procedures shall be filed with the town clerk.**

**This Ordinance shall become effective upon passage.**

**The proposed ordinance may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.**

**1. Comments/Input/Recommendations from the Ordinance Subcommittee.**

**Councilor William A. Andrews, Chair, Ordinance Subcommittee, reported that the Subcommittee had been working on the proposed ordinance for over a year. The premise was to provide a benefit to people who are considered disabled who are not under the Social Security program. Councilor Andrews discussed the development of an eligibility test. He discussed the input received from many people and acknowledged the efforts of Councilor Margaret L. Dudley. Councilor Andrews indicated that the proposed ordinance reflects the Council's purpose.**

**2. Comments/Input/Recommendation by Administration (Town Solicitor, Town Manager).**

**Michael C. Wood, Town Manager, discussed the original tax exemption provided to disabled people, the 2004 amendments for tax**

credits and the legislation that allows the Town Council to adopt an ordinance that would provide the tax credit for people who are considered disabled who are not under the Social Security program. The current proposal, he said, is the final component of the plan to allow all eligible people to participate in the program on an equal basis. Mr. Wood commended the Ordinance Subcommittee, Councilor Dudley, Finance Director John P. Mainville and Tax Assessor James R. Drew. Mr. Wood supported the proposal.

Walter J. Kane, Town Solicitor, reviewed the ordinance that allows for people determined by the social security administration to be totally disabled and the stringent process used for the determination. Mr. Kane discussed the eligibility under the proposed ordinance which is intended to be equally stringent: the applicants for the tax credit would have to demonstrate that they are unable to do any type of productive work. Mr. Kane spoke of Councilor Dudley's work experience in the area and her assistance in developing the appropriate criteria. Mr. Kane said that an alternative proposal would be introduced that contained the same provisions but which had better form. In summary, Mr. Kane said that the ordinance provides a tax credit for disabled individuals who can provide sufficient evidence based on the criteria established by the Tax Assessor and approved by the Town Council.

Councilor William A. Andrews added that the Ordinance Subcommittee had reviewed an application developed by James R.

**Drew. Councilor Andrews indicated that eligibility for the tax credit would be subject to annual review.**

**3. Proponents:**

**David Rossi of Nichols Road asked whether qualification for tax credits would be public record. Walter J. Kane, Town Solicitor, said that exemptions are public record but that medical records are confidential.**

**4. Opponents: None**

**5. Town Council Members Comments/Input:**

**VOTED to table the proposed ordinance and substitute alternative “A” in place of the proposal that was posted and advertised.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**6. VOTED to close the public hearing.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of**

the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

**7. VOTED to adopt amendments to the Revised General Ordinances of the Town of Burrillville, Chapter 25, Section 43, entitled “Disabled Persons” as follows:**

**The Town Council of the Town of Burrillville hereby ordains as follows:**

**Chapter 25, Section 43 entitled “Disabled Persons” of the Revised General Ordinances of the Town of Burrillville is hereby amended as follows:**

**Delete subsection (b)(1) which reads as follows:**

**“Is determined by the social security administration to be totally disabled.”**

**And substitute the following therefor:**

**Section 25-43**

**(b)(1) Is determined by the social security administration to be totally disabled or, for persons ineligible for social security determination, applicant shall submit evidence to the tax assessor that he is unable**

**to work either at his previous occupation or that he cannot adjust to other work because of his medical condition.**

**And adding the following:**

**(c) Process. The tax assessor, subject to the approval of the town council, shall establish criteria and procedures for an applicant to follow in applying and qualifying for a disability exemption. A copy of the approved procedure shall be filed with the town clerk.**

**This ordinance shall become effective upon passage.**

**Adopted this 22nd day of June 2005.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**8. VOTED to adjourn at 7:14 P.M.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E.**

**Faford and William E. Gonyea.**

**The hearing was taped. The tape is on file with the minutes.**

**Louise R. Phaneuf, Town Clerk**